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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 ALPHA THETA OF ALPHA DELTA PI
10 BUILDING ASSOCIATION,

11 Plaintiff,

12 v.

13 PACIFIC NORTHWEST REGIONAL
14 COUNCIL OF CARPENTERS,

15 Defendant.
16

Case No. C09-1306RSL

ORDER IMPOSING SANCTIONS

17 This matter comes before the Court *sua sponte*. On October 15, 2009, the Court issued an
18 order requiring the parties to file a joint status report by November 26, 2009. (Dkt. #16, Order
19 Regarding Initial Disclosures, Joint Status Report, and Early Settlement) (the “Order”). The
20 parties did not file the report by the deadline, nor did they request an extension. Court staff
21 called counsel to inquire about the overdue report, but to no avail. On December 9, 2009, the
22 Court ordered the parties to file their report by December 17, 2009 and to show cause why
23 sanctions should not be imposed for their failure to comply with the Court’s prior order.

24 On December 16, 2009, defense counsel filed a response detailing his efforts to comply
25 with the November 26, 2009 deadline and order to show cause. He also explained that plaintiff’s
26 counsel never contacted him regarding the joint status report or responded to his requests to
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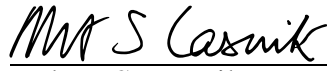
1 discuss it. Declaration of Daniel Shanley (Dkt. #20) (“Shanley Decl.”) at ¶¶ 2, 3, 4. The Order
2 explicitly stated that plaintiff’s counsel was responsible for initiating the discussion: “Plaintiff’s
3 counsel . . . will be responsible for starting the communications needed to comply with this
4 Order.” Order at p. 4. Because defendant attempted to comply with the Court’s order but was
5 thwarted by plaintiff’s counsel’s lack of cooperation, the Court will not impose sanctions against
6 defendants.

7 Plaintiff’s counsel’s dereliction of his responsibilities is another matter. He ignored
8 defense counsel’s first attempt to discuss the joint status report and failed to follow up on his
9 second attempt. Shanley Decl. at ¶ 4, Ex. 1 (explaining that defense counsel contacted plaintiff’s
10 counsel on December 4, 2009 and plaintiff’s counsel stated that he was out of town, would be
11 back on the following Monday, and would “look forward to conversing with Pacific Northwest’s
12 counsel then.”). He did not contact defense counsel as promised. Even after the Court issued its
13 order to show cause, plaintiff’s counsel apparently made no effort to comply with the extended
14 deadline until defense counsel sent him another e-mail. Only after receiving that third
15 communication from defense counsel and two orders from the Court did plaintiff’s counsel
16 belatedly call opposing counsel in the late afternoon on December 16, 2009. On that day,
17 plaintiff’s counsel filed a declaration with the Court requesting that the Court extend the
18 deadline, yet again, to December 18, 2009. Declaration of Matthew O’Connor, (Dkt. #21) at ¶ 4.
19 The request was devoid of any explanation of the need for a further extension. Plaintiff did not
20 move for an extension, and the Court did not grant one. The parties belatedly filed their joint
21 status report on December 18, 2009.

22 Plaintiff’s counsel has offered no explanation for his failure to comply with two orders of
23 the Court or for his cavalier attitude towards his responsibilities. The Court should not have to
24 call counsel and issue an order to show cause before plaintiff’s counsel begins to comply with
25 his obligations, and those extra efforts have wasted the Court’s and defendants’ time and
26 resources. Therefore, pursuant to General Rule 3 and the Court’s inherent authority, the Court
27 imposes sanctions on plaintiff’s counsel in the amount of \$250.00, payable to the Court within

1 twenty days of the date of this order. Plaintiff's counsel is reminded that he is required to
2 comply with all Court orders and obligations, and any continued failure to do so could result in
3 further sanctions.¹

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5 DATED this 4th day of January, 2010.

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9 Robert S. Lasnik
United States District Judge

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27 ¹ Plaintiff's counsel should also ensure the correct spelling of the judge's name on all
filings.